



METROPOLITAN
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COMMISSION

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Memorandum

TO: Partnership Technical Advisory Committee

DATE: April 16, 2007

FR: Ashley Nguyen

W. I.

RE: RTP SAFETEA Gap Analysis

On June 9, 2006, the US Department of Transportation's (DOT) Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) jointly issued a Notice of Proposed Rulemaking (NPRM) that revises the regulations governing the development of statewide and metropolitan transportation plans. The proposed rule codifies a number of changes to the existing statewide and metropolitan planning processes that were authorized in two transportation acts: SAFETEA (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and the prior TEA-21 (Transportation Equity Act for the 21st Century), as well as numerous guidance over the past 12 years. On February 14, 2007, the U.S. DOT issued the final rule.

In its November 15, 2006 letter, FHWA encouraged Metropolitan Planning Organizations (MPOs) to examine their planning and programming activities relative to SAFETEA requirements. Specifically, they encouraged us to prepare a gap analysis for the Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP) as a way to identify gaps and address them prior to the implementation date of July 1, 2007 in order to prevent any delays in the delivery of the transportation program after that date. Since after July 1, 2007, FHWA/FTA will only be able to process RTP and TIP amendments that are SAFETEA compliant or amendments whose purposes are to bring the RTP and TIP into compliance. For RTPs, FHWA/FTA encouraged the preparation of a gap analysis on the current RTP to demonstrate SAFETEA compliance or steps to meet SAFETEA requirements as part of the next plan's update. More importantly, FHWA/FTA will not take action on TIP amendments after July 1, 2007 unless there is a gap analysis showing how the MPO demonstrates progress towards closing gaps in its RTP to meet SAFETEA requirements.

MTC's RTP Gap Analysis is attached for your review. Here are few highlights of SAFETEA requirements to be addressed in the 2009 RTP:

- Update RTP goals to reflect new safety, security, and environment planning factors;
- Use an inflation rate to reflect "year of expenditure" dollars for revenues and cost estimates;
- Discuss environmental mitigations, which are to be developed in consultation with Federal, State and Tribal wildlife, land management, and regulatory agencies;
- Consult with state, local and tribal agencies responsible for land use, natural resources, environmental protection, conservation and historic preservation during the development of RTPs and TIPs;
- Develop a "Coordinated Public Transit-Human Services Transportation Plan" by public, private and non-profit providers of transportation and human services in order to be eligible for funding under FTA's Elderly and Persons with Disabilities, Job Access and Reverse Commute (JARC) and New Freedom programs;
- Develop a Public Participation Plan for RTPs and TIPs; and
- Employ visualization techniques in the outreach efforts.

**METROPOLITAN TRANSPORTATION COMMISSION
REGIONAL TRANSPORTATION PLAN GAP ANALYSIS MATRIX
DEMONSTRATING COMPLIANCE AND PROGRESS TOWARDS MEETING SAFETEA REQUIREMENTS**

Statutory Planning Requirements	Authority	Planning Requirement	How Transportation 2030 Plan Addresses SAFETEA Requirement	“Closing the Gaps” Steps
Metropolitan Transportation Plan Cycles	23 USC 134/49 USC 5303(i)(1)	Metropolitan transportation plans shall be updated at least every four years in air quality nonattainment and maintenance areas, and at least every five years in attainment areas. <i>The date of the FHWA/FTA conformity determination on the transportation plan is to be used as the basis for tracking update cycles in nonattainment and maintenance areas.</i>	<ul style="list-style-type: none"> • The Transportation 2030 Plan was adopted by MTC on February 23, 2005 • March 17, 2005 is the date of the FHWA/FTA conformity determination of the Transportation 2030 Plan • The Bay Area is designated as a marginal, nonattainment area for the federal 8-hour ozone standard • Next RTP update is slated to be adopted by MTC in February 2009 	None Required
Annual Listing of Obligated Projects	23 USC 134/49 USC 5303(j)(7)(B) and 23 USC 135/49 USC 5304(g)(4)(B)	SAFETEA specifies that the development of the annual listing “shall be cooperative effort of the State, transit operator, and MPO” and also shall include two new project types, “investments in pedestrian walkways and bicycle transportation facilities” for which Federal funds have been obligated in the preceding year.	<ul style="list-style-type: none"> • MTC prepares the Annual Obligation Listings each fiscal year showing projects that have received obligation of funds by FHWA and FTA, including investments in pedestrian walkways and bicycle transportation facilities. This annual listing is available on the MTC Web site: http://www.mtc.ca.gov/funding/delivery/index.htm 	MTC will address the availability of the annual listing of projects in the public participation plan.

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Metropolitan Transportation Planning Factors - Safety	23 USC 134/49 USC 5303(h)(1) and 23 USC 135/49 USC 5304(d)(1)	SAFETEA added a new stand-alone factor “increase the safety of the transportation system for motorized and non-motorized users.”	<ul style="list-style-type: none"> • Transportation 2030 Plan categorizes safety and security into three separate groups: (1) automobile, bicycle and pedestrian safety, (2) seismic safety, and (3) homeland security/terrorist threats (see page 67 of the plan). • A specific Call to Action was identified to increase federal homeland security funding for transportation. MTC urged Congress to increase funding, and –as the 9/11 Commission has recommended – direct a larger portion to urban areas, where the threat level is greatest. 	<p>As part of the 2009 RTP, MTC intends to:</p> <ul style="list-style-type: none"> • update the RTP goals to address this new safety planning factor • have adequate safety data available to support the development of the RTP goal on safety • ensure outreach to and input from safety stakeholders. • incorporate where applicable the statewide Strategic Highway Safety Plan (SHSP) and Transit System Safety Program Plan (TSSPP) in the RTP. <p>Led by Caltrans, California’s SHSP was approved by the Secretary of the Business, Transportation and Housing Agency (BTH) on September 26, 2006. Currently, there is a collaborative effort to develop the Strategic Highway Safety Implementation Plan (SHSIP). MTC staff is involved in this collaboration, and will be integrating the recommendations from the SHSP and SHSIP into the Plan where appropriate.</p>

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Metropolitan Transportation Planning Factors - Security	23 USC 134/49 USC 5303(h)(1) and 23 USC 135/49 USC 5304(d)(1)	SAFETEA added a new stand-alone factor “increase the security of the transportation system for motorized and non-motorized users.”	<ul style="list-style-type: none"> Transportation 2030 Plan categorizes safety and security into three separate groups: (1) automobile, bicycle and pedestrian safety, (2) seismic safety, and (3) homeland security/terrorist threats (see page 67 of the plan). A specific Call to Action was identified to increase federal homeland security funding for transportation. MTC urged Congress to increase funding, and –as the 9/11 Commission has recommended – direct a larger portion to urban areas, where the threat level is greatest. 	<p>As part of the 2009 RTP, MTC intends to:</p> <ul style="list-style-type: none"> update the RTP goals to address this new security planning factor incorporate where applicable the Transit System Safety Program Plan (TSSPP) in the RTP outline the region’s plans for emergency response planning and security elements
Metropolitan Transportation Planning Factors – Land Use Consistency	23 USC 134/49 USC 5303(h)(1) and 23 USC 135/49 USC 5304(d)(1)	SAFETEA expanded the environmental factor by adding the phrase “promote consistency of transportation plan and transportation improvements with State and local planned growth and economic development patterns.”	<ul style="list-style-type: none"> MTC uses the latest economic-demographic forecasts produced by the Association of Bay Area Governments (ABAG) – the latest forecasts available for Transportation 2030 Plan being Projections 2003. ABAG, along with MTC and other regional agency partners, developed a Regional Smart Growth Vision in March 2002. The Smart Growth Vision effort spanned two-years, and involved countywide public workshops with local elected officials, planning staff, interested citizens and advocates to identify strategies on how the Bay Area can grow smarter and become more sustainable. The Vision was for a new growth pattern that builds supportive development around transit stations and directs growth into revitalized central cities and older suburbs. Projections 2003 is a policy-based set of projections that assigns growth potential to local jurisdictions following approximately the pattern that the Smart Growth Vision intended. 	<p>As part of the 2009 RTP, MTC intends to update the RTP goals to address this expanded planning factor.</p> <p>MTC is also closely coordinating with ABAG to better integrate the RTP with the Focusing Our Vision effort.</p> <p>ABAG is the lead agency on the Focusing Our Vision (FOCUS). FOCUS seeks greater buy-in among local governments as to how and where the region’s growth and development should occur, and to mutually agree on priority development areas. FOCUS will lay the land use vision for the Bay Area, and the 2009 RTP will be identify the kinds of transportation policies and investments needed to support that vision.</p>

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Fiscal Constraint	23 USC 134/49 USC 5303(i)(2)(C); (j)(1)(C); (j)(2)(B); and ((j)(3)(D) and 23 USC 135/49 USC 5304(f)(5); (g)(4)(E); and (g)(4)(F)	No significant changes in SAFETEA except the requirement starting in December 11, 2007 that revenue and cost estimates that support metropolitan transportation plan use an inflation rate(s) to reflect “year of expenditure dollars,” based on reasonable financial principles and information, developed cooperatively by the MPO, State(s) and public transportation operator(s).	<ul style="list-style-type: none"> The Transportation 2030 Plan has a financially constrained element and a vision element. MTC’s assumptions for its 25-year financial projections are conservative. 	<p>None required. MTC continues to adhere to federal financial constraint requirements as has been done for all RTPs since ISTEA.</p> <p>MTC will consult with FHWA and FTA on how to portray both the year of expenditure and current dollars in the RTP. The public, partner agencies, and governing boards prefer to use current dollars to avoid public confusion over costs.</p>
Environmental Mitigation	23 USC 134/49 USC 5303(i)(2)(B) and 23 USC 135/49 USC 5304(f)(4)	Metropolitan and statewide transportation plans must include a discussion of types of potential environmental mitigation activities, to be developed in consultation with Federal, State and Tribal wildlife, land management, and regulatory agencies.	<ul style="list-style-type: none"> MTC prepared a Program Environmental Impact Report (EIR) for the Transportation 2030 Plan as required by CEQA; the Final EIR was certified by MTC on February 23, 2005 Consultation with Federal, State and Tribal wildlife, land management and regulatory agencies was carried out through (1) the Notice of Preparation of an EIR issued on February 16, 2004, which was filed with the State Clearinghouse and all nine County Clerks; (2) the Notice of Availability of a Draft EIR issued on November 12, 2004, which was filed with the State Clearinghouse and all nine County Clerks (this triggered a 45+ day public review period spanning November 12, 2004 through January 4, 2005); and (3) numerous meetings before MTC’s Planning and Operations Committee and Commission. The Draft/Final EIR for the Transportation 2030 Plan includes Table S-1: Summary of Impacts and Mitigation (p. ES-10 of Draft EIR), which identifies environmental impacts, mitigation measures, and level of significance after mitigation. The EIR is referenced in Appendix Four of the Transportation 2030 Plan, which provides a list of supplementary reports to the plan. 	<p>As part of the 2009 RTP, MTC will include a generalized discussion of mitigation activities in the plan.</p> <p>As part of the EIR for the 2009 RTP, MTC will continue to conduct the appropriate consultations with federal, state and tribal wildlife land and land management and regulatory agencies and use State conservation plans, maps, and inventories where applicable as required by CEQA and SAFETEA.</p> <p>Under CEQA, we will be holding public and agency scoping meetings to solicit early comments on environmental issues and areas of concerns to be addressed in the EIR. We also plan to hold a discussion with the above resource agencies on proposed draft environmental mitigations at a key point (TBD) during the development of the Draft EIR.</p>

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Consultation and Cooperation	23 USC 134/49 USC 5303(g) and (i)(4) and 23 USC 135/49 USC 5304(f)(2)	MPOs and States must consult “as appropriate” with “State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation” in developing long-range transportation plans.	<ul style="list-style-type: none"> • MTC consults with Federal, State and local agencies on the Transportation 2030 Plan through The Bay Area Partnership and its subcommittees. The Partnership was established in 1991 by MTC as a strategic alliance to advise and implement mandates of ISTEA; it includes representatives of all federal, state and local agencies involved in developing and implementing transportation policies and programs, including regulatory agencies like EPA, BAAQMD, and BCDC. • MTC also consults with the region’s council of governments, ABAG, and uses its latest land use/demographics forecasts for development of the RTP. • See also consultation for the EIR for the Transportation 2030 Plan. As the plan was developed and EIR was prepared, MTC use conservation plans and maps and inventories of historic and natural resources to evaluate project impacts. • MTC and Caltrans District 4 conducted government-to-government consultation with Native American Tribes for the Transportation 2030 Plan. Activities included: (1) a consultation meeting on 10/6/2003; (2) follow-up letters dated 5/17/04 sent to chairpersons of tribes; (3) notice of release of Draft Transportation 2030 Plan letters dated 12/3/04 sent to tribes. 	<p>As part of the 2009 RTP, MTC will consult with State and local agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation. We will document our efforts to carryout this consultation process.</p> <p>See also the discussion under Public Participation Plan.</p>
Air Quality Conformity	23 USC 134(i)(3)	SAFETEA extended the requirement for conformity to every four years.	<ul style="list-style-type: none"> • MTC prepared a transportation-air quality conformity analysis for the Transportation 2030 Plan. • Consultation on the conformity analysis was conducted according to MTC’s interagency consultation procedures (MTC Resolution 3075). 	None required. MTC will continue to prepare a conformity analysis for the 2009 RTP in accordance the newly revised interagency consultation requirements (MTC Resolution No. 3757).

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Coordinated Public Transit-Human Services Plan	49 USC 5310, 5316, 5317	SAFETEA requires the development of a Coordinated Public Transit-Human Services Plan that identifies the transportation needs of individuals with disabilities, older adults, and people with low incomes. The Human Services Plan provides strategies for meeting those local needs, and prioritizes transportation services for funding and implementation.	<ul style="list-style-type: none"> N/A 	MTC is currently preparing a Coordinated Public Transit-Human Services Plan. This Plan will be referenced and incorporated where applicable in the 2009 RTP.
Operational and Management Strategies	23 USC 134/49 USC 5303(i)(2)(D); 23 USC 134/49 USC 5303(k)(3); 23 USC 135/49 USC 5304(f)(7); and 23 USC 135/49 USC 5304(i)	Metropolitan transportation plans shall include operational and management strategies to improve the performance of the existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.	<ul style="list-style-type: none"> The Transportation 2030 Plan specifically deals with operational and management strategies to improve the performance of the existing transportation system (see Investments and Actions chapter on p. 39). <p>Specific strategies include:</p> <ul style="list-style-type: none"> The <u>Regional Operations Program</u> encompasses the following strategies totaling \$329 million: 511 traveler information; incident management through FSP, call boxes, and emergency vehicle preemption of traffic signals; traffic operations like smart corridors and Caltrans’ Regional Transportation Management Center; transit operations like transit automatic vehicle local systems and priority signals; technical assistance for cities and counties The <u>Transportation Lifeline Program</u> identifies strategies and \$216 million in funding to improve the mobility of low-income populations. The <u>Regional Bicycle and Pedestrian Program</u> addresses bicycle/pedestrian needs and includes \$200 million in new funding for region-wide bicycle/pedestrian improvements. <u>TransLink®</u> regional electronic fare card is to be fully deployed to improve transit connectivity. 	<p>As part of the 2009 RTP, MTC will continue to develop operations and management strategies for both the transit and highway network.</p> <p>For example, MTC’s Freeway Performance Initiative, developed as part of MTC’s Strategic Plan, will be evaluating the performance of six major travel corridors and identifying key operations and management strategies for that specific corridor (and with possible application region wide).</p> <p>MTC is also investigating ways to further refine the Regional Operations Program (see description to the left).</p> <p>MTC will continue to prepare a Congestion Management Process (formerly know as Congestion Management System) per SAFETEA guidelines.</p>

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Participation Plan	23 USC 134/49 USC 5303(i)(5), (i)(6), and (j)(4) and 23 USC 135/49 USC 5304(f)(3) and (g)(3)	MPOs must develop and utilize a “Participation Plan” that provides reasonable opportunities for interested parties to comment on the content of the metropolitan plan and metropolitan TIP. Further, this “Participation Plan” must be developed in “consultation with all interested parties.” This consultation requirement is intended to afford parties who participate in the metropolitan planning process a specific opportunity to comment on the plan prior to its approval.	<ul style="list-style-type: none"> • MTC has an adopted Federal Public Involvement Procedures (Resolution 2648, Revised – adopted in 1994, revised in 1996 and 2003). • MTC also has an adopted Public Involvement Action Plan (Resolution 3351 – adopted in 2001) to implement recommendations from a review of MTC policies and procedures for involving the public in its key decisions. This also includes ways to involve more constituencies identified in Title VI of the federal Civil Rights Act. • Both Resolution 2648, Revised and Resolution 3351 were developed through consultation with the Partnership and interested public and advocacy groups. • The Transportation 2030 Plan outreach program was conducted in 3 phases. • <u>Phase One</u>: MTC conducted an extensive public involvement program to solicit input from June to December 2003. The program included a daylong regional “kickoff” summit (attended by more than 450 people from all parts of the Bay Area), a regional telephone poll (with 3,600 eligible voters participating), six focus groups, 30 targeted workshops with specific stakeholder groups and a Web survey (taken by over 530 individuals). In addition, considerable public comment was received at meetings of the Planning and Operations Committee and the full Commission. • <u>Phase Two</u>: Public outreach from January to October 2004 included meetings hosted by the CMAs to get public input on local investment priorities. Phase Two also included public comment on MTC’s Equity Analysis (developed in coordination with MTC’s Minority Citizens Advisory Committee) for the 2030 Plan and a set of stakeholder meetings to further develop the Transportation/Land Use Platform, the Lifeline Transportation Program and the Regional Bicycle/Pedestrian Program. 	<p>MTC is in the process of preparing a Public Participation Plan (PPP) in consultation with interested public and agency stakeholders; the PPP will be fully consistent with SAFETEA. We are holding a number of panel discussions, focus groups, one-on-one meetings in person or by phone, and web surveys to solicit input on what should be included in the plan and ways we can conduct comprehensive and innovative outreach. We will document the process by which we prepare the PPP. We anticipate Commission adoption of this PPP in July 2007.</p> <p>MTC also intends to respond to suggestions from FHWA on how consultation with resource agencies should be included in the PPP; how new interested stakeholders should be included in the plan process and what targeted outreach could be developed for them; how the process for RTP and TIP amendments will be carried out; how visualization techniques will be utilized; what performance indicators will be used and how the results are reported; and how the web will be used to announce opportunities for public comment.</p>

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Participation Plan (cont’d)			<ul style="list-style-type: none"> Phase Three: The final phase began in November 2004 with the release of the Draft Transportation 2030 Plan. Phase Three included interactive workshops in November and December 2004, a Web survey (taken by 800 individuals) and written input. In addition, considerable public comment was received at meetings of the Planning and Operations Committee and the full Commission. 	

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Visualization Techniques in Plans and Metropolitan TIP Development	23 USC 134/49 USC 5303(i)(5), (i)(6), and (j)(4) and 23 USC 135/49 USC 5304(f)(3) and (g)(3)	As part of transportation plan and TIP development, MPOs shall employ visualization techniques.	<ul style="list-style-type: none"> The Phase One June 15 “kickoff” summit featured <u>electronic voting</u> wherein the 450 participants were able to respond to survey questions about RTP goals, prior commitments and investments, and transportation and land use. Multiple choice survey questions were projected on the screen, and participants voted using electronic keypads at their table. All votes were tallied and instantaneously displayed in a bar graph on the screen. An <u>interactive Web survey</u> (Budget Challenge) taken by over 530 individuals that included a budget allocation exercise. The Budget Challenge was posted on MTC’s Web site and open to the public. An <u>interactive Web survey</u> (“Calls to Action” Survey) taken by over 800 individuals that asked for the prioritization of calls to action identified in the Draft Transportation 2030 Plan. The Calls to Action Survey was posted on MTC’s Web site and open to the public. Phase Three included <u>interactive workshops</u> in November and December. Workshop participants prioritized specific calls to actions within each of the 7 investment strategies (using pennies placed in baskets) and provided comments. 	<p>MTC consistently produces unprecedented visualization tools and materials in its outreach campaigns.</p> <p>As part of the 2009 RTP, MTC will continue to use visualization techniques in its outreach efforts, and suggested by FHWA, we will consider examples from the following website: http://fhwainter.fhwa.dot.gov/planning/scenplan/index.htm.</p>
Publication of Plans and TIP/STIP	23 USC 134/49 USC 5303(i)(5), (i)(6), and (j)(4) and 23 USC 135/49 USC 5304(f)(3) and (g)(3)	MPOs shall publish or otherwise make available for public review transportation plans and TIPs “including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web”.	<ul style="list-style-type: none"> MTC printed 1,750 copies of the Draft Transportation 2030 Plan and 2,500 copies of the Final Transportation 2030 Plan, and mailed it to partner agencies and interested public. Copies of the draft and final plans were made available to the public at no charge in the MTC/ABAG Library. The Draft and Final Transportation 2030 Plan and supplementary reports and materials are available in electronically accessible formats and posted on MTC’s Web site: http://www.mtc.ca.gov/planning/2030_plan/index.htm 	As part of the 2009 RTP, MTC will continue to produce materials in print and in other accessible formats, including the internet.

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